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c 364 Probation Act

Ontario

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CHAPTER 364

The Probation Act

1.—(1) Such probation officers as are considered necessary for the purposes of this Act shall be appointed under *The Public Service Act*. Appointment of probation officers
R.S.O. 1970,
c. 386

(2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Minister of Justice and Attorney General. 1965, c. 103, s. 1 (1). Jurisdiction

(3) A probation officer shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges presiding in such courts. R.S.O. 1960, c. 308, s. 1 (4); 1965, c. 103, s. 1 (2), *amended*. Status

2.—(1) It is the duty of a probation officer and he has power with regard to any person convicted at a sittings of the Supreme Court for the trial of criminal cases, or at the general sessions of the peace, or at the county judges' criminal court, or at a provincial court in the part of Ontario to which he is assigned, Powers and duties

(a) to procure and report such information as to the antecedents, family history, previous convictions, character of employment and other information respecting any person so convicted as the court requires;

(b) to supervise under the direction of the court before whom such person was convicted the employment, conduct and general condition under which the person so convicted may be placed during the period of probation imposed by the court;

(c) to see that any person so convicted reports from time to time as the court prescribes, and to report to the court if the person so convicted is or is not carrying out the terms on which sentence is suspended, and to see that such person, in case of default, is brought again before the court for sentence;

(d) to see that any person so released on suspended sentence duly makes restitution and reparation;

(e) to see that any person so convicted while on probation duly carries out any order of the court requiring him to

make due provision for the support of his wife and any other dependants for whom he may be liable;

- (f) to do all such other things as are directed by the court or by the regulations made under this Act.

To be
ex officio
provincial
constable

(2) In the performance and exercise of the powers imposed by or under subsection 1, a probation officer is *ex officio* a provincial police constable. R.S.O. 1960, c. 308, s. 3, *amended*.

Expenses
of office,
how borne

3. The salary or other remuneration of a probation officer and the expenses of providing clerical and other assistance and any other necessary expenses of his office are payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1960, c. 308, s. 4.

Regulations

4. The Lieutenant Governor in Council may make regulations, which may be general or special in their application,

- (a) respecting the qualifications, duties and powers of probation officers;
- (b) prescribing the reports and returns to be made by probation officers;
- (c) fixing the salary or other remuneration to be paid to probation officers;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 308, s. 5; 1968, c. 102, s. 2.

Probation
on certain
conditions:

1953-54,
c. 51 (Can.)

5.—(1) Where a person is charged with having committed an offence against any statute of Ontario, the court before which such person is brought for trial may make such inquiries as it considers proper as to the character and reputation of the person charged and as to whether or not he has been previously convicted of any offence under the *Criminal Code* (Canada) or against a statute of Ontario, and if it appears that, regard being had to his age, character and antecedents, it is expedient that he be released on probation of good conduct, such court may release him under one or more of the following directions and conditions:

recog-
nizance

1. That such person enters into a recognizance with or without sureties to keep the peace and to be of good behaviour.

probation

2. That such person be placed upon probation for such period and under such circumstances as the court before which he is brought prescribes.

report to
probation
officer

3. That such person shall report from time to time during such period of probation to any probation officer that the court designates.

4. That such person shall be under the supervision and direction of such probation officer during the period of probation, and shall obey and carry out the instructions and directions of the probation officer. supervision and direction
5. That such person pay the costs of the prosecution or some portion of the same within such period and by such instalments as the court before which he is brought directs. payment of costs
6. That such person make restitution and reparation to any person or persons aggrieved or injured by the offence charged, for any actual damage or loss thereby caused. restitution
7. That such person while on probation be ordered to provide for the support of his wife and any other dependant or dependants for whom he is liable. support of family
8. That such person perform and carry out any other direction and condition that the court before which he is brought prescribes and considers proper to impose. other conditions and directions

(2) The court before which such person is brought, before directing the release or discharge of any such person, shall be satisfied that such person or his surety has a fixed place of residence or regular occupation in the county or place for which the court acts, or in which such person is likely to live during the period named for the observance of the conditions. Place of abode of person charged to be in jurisdiction

(3) If any court having power to deal with such person in respect of the charge against him, or if any court is satisfied by information on oath that such person has failed to observe any of the conditions of his recognizance, or has failed to observe and perform any direction or condition made in reference to probation or otherwise, a new information may be issued against such person for the original offence charged, and in addition an information may also be issued against such person for a breach of any of the directions and conditions so imposed. Failure to carry out conditions

(4) Upon summary conviction of a breach of any of the directions and conditions so made, such person, in addition to any penalty that may be imposed for the original offence, is liable to a fine of not more than \$50. R.S.O. 1960, c. 308, s. 6, *amended*. Penalty
